
TITLE 312 NATURAL RESOURCES COMMISSION

Notice of Intent to Adopt a Rule LSA Document #10-547

Under [IC 4-22-2-23](#), the Natural Resources Commission intends to adopt a rule concerning the following:

OVERVIEW: Adds [312 IAC 25-1-10.5](#) to define "applicant/violator system". Adds [312 IAC 25-1-32.5](#) to define "control or controller". Amends [312 IAC 25-1-48](#) defining "excess spoil". Adds [312 IAC 25-1-51.5](#) to define "federal office of surface mining applicant violator system office". Adds [312 IAC 25-1-75.1](#) to define "knowing or knowingly". Amends [312 IAC 25-4-18](#) and [312 IAC 25-4-59](#) to require compliance history reports from the applicant/violator system for both surface and underground mining. Adds [312 IAC 25-4-115.1](#) to require timeliness of notice of changes of ownership and control by the permittee. Adds [312 IAC 25-4-122.1](#) to provide provisions for challenging an ownership/control determination. Adds [312 IAC 25-4-122.2](#) to outline evidence necessary for submission by the permittee during ownership/control challenges. Adds [312 IAC 25-4-122.3](#) to outline duties of the Department as a result of an ownership/control challenge. Amends [312 IAC 25-4-127](#) to clarify various requirements for permit revisions. Amends [312 IAC 25-5-7](#) to provide clarity concerning alternative postmine land uses beyond the control of the permittee. Amends [312 IAC 25-5-16](#) to clarify requirements for informal conferences and public hearings associated with bond release. Amends [312 IAC 25-6-59](#) to provide for alternative stocking rates for specific forest reclamation approaches. Amends [312 IAC 25-6-93](#) to clarify applicability of blasting regulations for construction of slopes and shafts at underground coal mines. Amends [312 IAC 25-6-94](#) for the purpose of mirroring requirements for preblast surveys at underground mines with that of the surface mine preblast survey provisions at [312 IAC 25-6-30](#). Amends [312 IAC 25-6-95](#) concerning publication and approval of blasting schedules and to mirror the requirements of the surface mine blasting provisions at [312 IAC 25-6-31](#). Amends [312 IAC 25-7-5](#) in regard to stays of a cessation order and to provide information concerning rights to appeal of determinations made under this regulation. Repeals [312 IAC 25-4-23](#) and [312 IAC 25-4-64](#) due to the federal counterpart regulations having been repealed. Questions and comments may be sent to the Division of Hearings, Natural Resources Commission, Indiana Government Center North, 100 North Senate Avenue, Room N501, Indianapolis, Indiana 46204-2200, at nrcrules@nrc.in.gov, or by telephone at (317) 232-4699. Comments may be sent by regular mail to the address above or through <http://www.in.gov/nrc/2377.htm>. Statutory authority: [IC 14-10-2-4](#); [IC 14-11-2-1](#); [IC 14-34-2-1](#).

For purposes of [IC 4-22-2-28.1](#), the Small Business Regulatory Coordinator for this rule is:

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For purposes of [IC 4-22-2-28.1](#), the Small Business Ombudsman designated by [IC 5-28-17-5](#) is:

Ryan Asberry
Indiana Economic Development Corporation
One North Capitol, Suite 700
Indianapolis, Indiana 46204
(317) 232-8962
smallbizombudsman@iedc.in.gov

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in [IC 5-28-17-5](#), specifically [IC 5-28-17-5\(9\)](#), investigating and attempting to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

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